Conference on Disarmament

English

Final record of the one thousand four hundred and sixty-ninth plenary meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 September 2018 at 10.15 a.m.

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The President: Good morning. I call to order the 1469th plenary meeting of the Conference on Disarmament. Excellencies, dear colleagues, Ms. Kaspersen, ladies and gentlemen, as we announced in the previous plenaries, we would like to put subsidiary body reports up for adoption today. We have the morning and the afternoon sessions for our work.

The Conference has two more weeks in its 2018 session, and among other things the adoption of the reports of the subsidiary bodies will constitute a main step forward in finalization of its annual report.

Before we proceed, I would like to underline the enormous effort made by all member States to advance the work of the Conference since the beginning of its 2018 session. It has been essential to maintain the relevance of this Conference by commencing substantive work. Thus, the decision contained in document CD/2119, with the establishment of five subsidiary bodies, was an important step that the Conference took on 16 February. A great amount of effort has been made by all member States in the subsidiary bodies' work. In addition, the coordinators have made every endeavour to attain a successful outcome in the subsidiary bodies. Therefore, I would like to once again thank all Conference members and the coordinators of the subsidiary bodies for the hard work that they have put in so far.

Dear colleagues, paragraph 5 of CD/2119 reads: "The report on the progress achieved and agreed on in each subsidiary body would be submitted by its coordinator to the Conference on Disarmament, through the President, for adoption and due reflection in the annual report of the Conference on Disarmament." As paragraph 5 makes clear, the reports should be submitted to the Conference through the President for adoption and due reflection in the annual report. However, CD/2119 does not dictate the exact procedure for the adoption process relating to the subsidiary body reports. We have heard several opinions on and concerns about this adoption process at the bilateral and group meetings that we have held so far with the Conference members.

Furthermore, many delegations voiced their remarks on the adoption process during the discussions at the first reading of the draft annual report, last week. Therefore, since procedure precedes substance, we would like to ask the Conference for guidance on how to proceed in an informal setting. That being said, I would like to caution that this does not mean opening up subsidiary body reports for substantive discussion, which is not in the presidency's – and not in our – mandate.

Instead, it is our intention to focus in particular on how we will adopt these reports. As the President of the Conference, I am at your disposal to facilitate the discussion. I need the instructions of the Conference on how to adopt the subsidiary body reports. Once we decide how to proceed, we will switch back to the plenary meeting. We are in your hands.

Before we move to an informal setting, does any delegation wish to take the floor in a formal setting? Since there are no delegations wishing to take the floor, this concludes our business for this morning. We will now move to an informal plenary and work on the reports of the subsidiary bodies.

The meeting was suspended at 10.20 a.m. and resumed at 5.15 p.m.

The President: Ladies and gentlemen, this morning at the outset of the plenary we announced that our intention was to put subsidiary body reports up for adoption. It was also underlined that the decision contained in CD/2119, which established the subsidiary bodies, does not dictate the exact procedure for the adoption process relating to the subsidiary body reports. Therefore, since procedure precedes substance, we asked for guidance from the Conference in an informal setting.

The outcome of the informal discussions that took place this morning and at lunchtime was that the Conference could not agree on how to proceed with the adoption process. At this stage I am in the uncomfortable position of having to declare that the Conference was unable to take a procedural decision on how to adopt the subsidiary body reports. If we cannot overcome this, we will be obliged to reflect this in the annual report. I understand that delegations need further time.

I will close today's session if there is no request from the floor. May I ask for a list of speakers? We have China on our list. I give the floor to the representative of China.

Mr. Ji Haojun (China): Thank you, Madam President. We still have some 40 minutes before 6 p.m. and we can make good use of this time to work on the draft report of the Conference on Disarmament. We have a couple of paragraphs that are quite dear to some other delegations, and we need to go over these paragraphs anyway.

The President: Thank you for your comments. Any other delegations? The Russian Federation.

Mr. Deyneko (Russian Federation) (*spoke in Russian*): Madame President, we would like to express our appreciation to you for holding informal consultations to make it possible to devise some means of adopting the reports of the subsidiary bodies in a manner acceptable to all. We can, alas, only note that the participants have been unable to come to an agreement on this question.

The Russian delegation showed a maximum of flexibility and did not object to the consideration of reports, despite the fact that the proposed way of proceeding goes beyond the framework established by the decision contained in CD/2119. Unfortunately, we did not see any reciprocity. The Russian comments about procedural questions were not heard. In this connection, we consider it necessary to once again at the plenary set out our position regarding the observance of the procedure established by the decision contained in CD/2119.

First of all, we would like to draw the attention of the Conference's participants to the fact that the coordinators of the five subsidiary bodies, in their letters, refer to paragraph 5 of document CD/2119. In that connection, they present, through the President of the Conference on Disarmament, their reports to the Conference for adoption of the corresponding decisions. For them to do so, they had to meet one condition: the report had to contain information on the progress achieved. The participants in the Conference may have various understandings of what constitutes progress. We believe that on this question, we must be guided by the mandate of the subsidiary bodies, as established in paragraph 1, subparagraphs (a) to (c), of document CD/2119. Incidentally, that is precisely how the reports on the fissile material cut-off treaty and on negative security assurances of the coordinators of subsidiary bodies 2 and 4 were structured. At the last minute, the coordinator of subsidiary body 2 overhauled the report, deleting an entire section on areas of commonalities. What is more, just today, the final report of subsidiary body 4 was unveiled. I will come back a bit later to the changes in the reports and the related work.

That is not the point of greatest importance. The most important point is that it was essential that the parts of the report on progress achieved should have been agreed upon in each of the subsidiary bodies. As the participants in the Conference know, not a single subsidiary body was able to meet this condition. That is my first point.

Secondly, we often heard that the reports of the subsidiary bodies need not be adopted by consensus. Those who supported such views argued that the meetings of the subsidiary bodies were informal. For our part, we would advise our colleagues to pay attention to paragraph 3, according to which the subsidiary bodies carry out their activities in accordance with paragraph 18 of the Conference's rules of procedure, which means on the basis of consensus, irrespective of the format of meetings. I would go further: today, a number of delegations, including those that set out their positions about the impossibility of adopting reports by consensus at informal meetings, have put forward a proposal to adopt the reports by consensus ad referendum. Where is the consistency in such an approach?

We must not forget another important fact. Even after the term of the subsidiary bodies had run out, their coordinators continued to work on the reports, making editorial and substantive changes. I would like to draw the attention of those present here to the fact that, not only were these alterations not agreed; they were not even discussed, i.e., the delegations were deprived of the basic democratic right to freely express their opinions. By the way, even if they had expressed them, the coordinators were not obliged to take them into account. That is in substance what happened with the proposals from the Indian delegation. And that is without even mentioning the fact that another basic principle of

multilateral diplomacy was ignored, specifically the principle of transparency. As far as we know, several interim versions of the reports were distributed, but certainly not to all delegations. That is a clear failure in the work of several individual coordinators.

There is yet another nuance of procedure that we cannot fail to take into account. I am referring to the accompanying letters from the President of the Conference, that essentially stated that the coordinators were presenting the reports on behalf of the subsidiary bodies. In our opinion, only the coordinators on nuclear disarmament and the prevention of an arms race in outer space are justified in presenting their outcome reports, on behalf of subsidiary bodies 1 and 3, respectively. As it is well known, the participants in those bodies agreed about the specific way of proceeding and agreed drafts of the outcome reports as conclusions. As for the rest, we consider that their presentation of reports on behalf of the subsidiary bodies is not only unjustified; it does not reflect the actual state of affairs. In this connection, if we follow the procedure to the letter, then it would be necessary to refrain from introducing such reports for adoption. We request the presidency to take this into account.

Incidentally, it is certainly not our intention to place all the responsibility on the shoulders of the coordinators. They did what they could. That the delegations were unable to arrive at a consensus was, alas, not their fault. However, we consider it unjustified to present the reports on behalf of the subsidiary bodies. In the light of the lack of agreement among the delegations, it would be more correct and proper to speak not of reports of the subsidiary bodies, but of reports of their coordinators, prepared in their personal capacity and under their own remit.

Of course all these problems could have been resolved if decision CD/2119 had provided for an option of consideration of the reports by the Conference itself. However, the document contains nothing of the sort, first of all because everything, right up until the agreement and adoption of the reports, was to be done by the subsidiary bodies. The Conference itself took an extremely limited role: either to endorse the conclusions reached by the subsidiary bodies, or to disagree. In either case, that would take place without a discussion of the essence of the reports in question.

The Russian delegation has every interest in the successful implementation of the decision contained in CD/2119, but not with a revision of its provisions. In the light of the lack of agreement both on the procedure and on the reports themselves, we propose that they should be put forward for adoption separately. Delegations will thus be able to set out their positions on the substance of the reports, either before their introduction for adoption, or after the fact. Thus, a balance will be guaranteed during the adoption of the reports. In this situation, we propose to move without delay to the adoption procedure for the reports of the subsidiary bodies, having given the delegations in question additional time to settle their disagreements.

The President: I thank the representative of the Russian Federation for his statement. Are there any other delegations wishing to take the floor?

I would now like to ask the Conference to take into consideration the remarks of the Russian Federation about proceeding with the adoption of the subsidiary body reports one by one. Are there any comments? Do any delegations wish to take the floor? I understand that there is consensus in the chamber regarding putting the subsidiary body reports to adoption one by one. That seems to be the case. Canada, you have the floor.

Mr. Davison (Canada): Thank you, Madam President. Just for clarification, you were asking us if we could agree at this point to proceeding with the adoption of the reports one by one, is that correct? We cannot agree to that at this time, I definitely will need some time overnight. Thank you.

The President: I thank the representative of Canada for his statement. Any other delegations wishing to take the floor? I now give the floor to the representative of Senegal.

Mr. Ndiaye (Senegal) (*spoke in French*): Thank you Madame President. My delegation would like to express its concern about the ability of the Conference on Disarmament, the unique framework for negotiation on disarmament matters, to fulfil its mandate. The Conference's plenary meetings this year, in 2018, run the risk of falling into

the same pattern of failure that we have seen for decades. After some valuable discussions in the subsidiary bodies set up by the decision contained in CD/2118 on 19 February 2018, a procedural problem has been used as a pretext. In actual fact, the citing of the procedural obstacle is just an attempt to hide the forest behind a tree. My delegation would thus like the actual causes of the obstacles encountered to be included in the 2018 annual report. Thank you.

The President: I thank the representative of Senegal for his statement. Are there any other delegations wishing to take the floor? The Russian Federation.

Mr. Deyneko (Russian Federation) (*spoke in Russian*): I will be very brief, Madame President. We see no basis for our overall achievements to be taken hostage by disagreements between specific delegations on the particular points of one of the concluding reports of the subsidiary bodies.

The President: Thank you for your statement. Are there any other delegations wishing to take the floor? I see none. I note that we still need more time before proceeding with the adoption of the reports of the subsidiary bodies. This concludes our 1469th plenary this afternoon. We will meet again tomorrow afternoon at 3 p.m. in the Council Chamber. Thank you. This meeting is adjourned.

The meeting rose at 5.35 p.m.